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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

In re:

**ROBERT GUY WILNER and**

**BETTY LOU WILNER,**

Debtors.

Case No. 10-32067-C-7

DCN: SMD - 2

DATE: December 14, 2010

TIME: 9:30 A.M.

LOCATION: 501 I Street, 6<sup>th</sup> Floor

Department C

Courtroom 35 (6<sup>th</sup> Floor)

Sacramento, CA 95814

**TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE**

TO: THE HONORABLE CHRISTOPHER M. KLEIN, JUDGE, U. S. BANKRUPTCY COURT; THE OFFICE OF THE U. S. TRUSTEE; THE ABOVE-CAPTIONED DEBTORS; AND, THE DEBTORS' ATTORNEY.

The undersigned, Susan M. Didriksen, the court appointed Chapter 7 Trustee (the "Trustee") in the above-captioned Bankruptcy estate of ROBERT GUY WILNER and BETTY LOU WILNER, (the "Debtors"), hereby requests that this Court approve the sale of the Bankruptcy's Estate's interest in River District RV Storage Inc., to the Debtors, for a total of \$17,500 cash. The proposed sale transaction will include credits for the Debtors' §703.140(b)(5) and §703.140(b)(6) exemptions in the amount of \$5,207.97 and \$2,200.00, respectively. In support of this motion, the undersigned Trustee respectfully represents the following:

1. The Debtors filed a voluntary Chapter 7 Bankruptcy Petition on or about May 7, 2010, and an Order for Relief was entered thereon.

2. Susan M. Didriksen was appointed as the Interim Chapter 7 Trustee on or about May 7, 2010, and continues to serve in that capacity.

1           3.     The Court has jurisdiction over the current motion under 28 U.S.C. §§ 157(a) and 1334.  
2     This is a core proceeding under 28 U.S.C. section 157(b)(2)(A), (N) and (O).

3           4.     The Debtors filed Schedule B on or about May 7, 2010, and disclosed personal property  
4     described as follows:

5                 “ Debtors Share in River District RV Storage Inc based on Balance Sheet”

6                 (hereinafter referred to as the “Incorporated Business”).

7           5.     The Debtor’s Amended Schedule “C” filed on or about November 15, 2010, claimed  
8     monetary exemptions for §703.140(b)(5) and §703.140(b)(6) pertaining to the Incorporated Business  
9     in the amounts of \$5,207.97 and \$2,200.00.

10          6.     The Debtors, through their attorney, Mr. Gregory Flahive, have presented an offer in the  
11     amount of \$17,500 to purchase the aforementioned Incorporated Business in an “as-is” condition  
12     from the Bankruptcy Estate as follows:

	\$17,500.00	Debtors’ Offer to Purchase the Subject Personal Property
Less:	2,200.00	Credit for Debtors’ §703.140(b)(6) exemption
	<u>5,207.97</u>	Credit for Debtors’ §703.140(b)(5) remaining exemption
	\$10,092.97	Net Purchase Amount to be tendered by the Debtors

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14          7.     The payment will be made in six monthly installments of \$1,682 due the first of each  
15     month in the form of Cashier’s Check to the undersigned Trustee for the purchase of the  
16     Incorporated Business.

17          8.     The undersigned Trustee believes that the immediate liquidation of the Subject Personal  
18     Property is in the best interest of the Bankruptcy Estate. This proposed sale would also alleviate the  
19     typical costs incurred with the sale of a business (i.e. valuation analysis, interim operation, etc.) and  
20     any sales commission attendant to a sale. Therefore, the trustee requests the approval from this  
21     Court to sell the aforementioned Incorporated Business to the Debtors for the amount of \$17,500,  
22     less credits in the amounts of \$5,207.93 and \$2,200.00 representing the Debtors’ claimed C.C.P.  
23     §703.140(b)(5) and §703.140(b)(6) exemptions, subject to any overbids tendered at the Court  
24     hearing.

25          9.     At the Court hearing, the Trustee will request that the Court solicits overbids. The  
26     Trustee further requests that overbids, if any, be submitted in minimum increments of \$500.00 from  
27     qualified bidders who much contact the Trustee at least twenty-four hours prior to this hearing. Any

1 successful over bidder must remit the full amount of the cash selling price to the Trustee within  
2 twenty-four hours after the Court hearing is concluded.

3 WHEREFORE, the undersigned Trustee respectfully requests that this Court: A.) Approve the  
4 sale of the aforementioned Incorporated Business to the Debtors in the manner stated herein, B.)  
5 Provide authority for the Trustee to execute all documents necessary to complete the contemplated  
6 sale; C.) Provide authority for the Trustee to either pay or credit the exempted amount of \$5,207.97  
7 and \$2,200 directly to the Debtors from the sale of proceeds of the subject property if sold to a third  
8 party; and, D.) Provide for such other relief as the Court deems appropriate.

9 Respectfully submitted,

10 Dated: November 15, 2010

/s/ Susan M. Didriksen  
Susan M. Didriksen, Chapter 7 Trustee